

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE**

Steve Podkulski

v.

Civil No. 11-cv-102-JL

Kristin Balles et al.<sup>1</sup>

**O R D E R**

Before the court is pro se plaintiff Steve Podkulski's motion to amend the complaint (doc. no. 69) and proposed third amended complaint (doc. no. 73). On June 18, 2013, this court issued a report and recommendation ("June 18 R&R"), recommending that the motion be granted in part and denied in part. The district judge, on August 6, 2013, referred an objection to the June 18 R&R to the magistrate judge for consideration as to whether it affected the recommendations and proposed findings set forth in the June 18 R&R.

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<sup>1</sup>Defendants who have been served in this action are the following current or former Hillsborough County House of Corrections ("HCHC") officers: Sgts. Kristin Balles and Todd Gordon, Corrections Officer ("C.O.") Jason Barbera, former C.O. Ryan Donovan, a "John Doe" sergeant, and a "John Doe" corrections officer. In the proposed third amended complaint (doc. no. 73), Podkulski substitutes Sgt. Joshua Jordon for the "John Doe" defendant sergeant and HCHC C.O. Brian Turcotte for the "John Doe" defendant officer, in Claims 2(a) and 1(b), respectively.

For reasons set forth in the report and recommendation issued on this date ("August 2013 R&R"), this court hereby vacates the June 18 R&R, substitutes therefore the August 2013 R&R, and directs service of process upon Hillsborough County House of Corrections ("HCHC") Sgt. Joshua Jordan.

The clerk's office shall complete and issue a summons for Sgt. Joshua Jordan, using the HCHC's address for service, 445 Willow St., Manchester, NH 03103. The clerk's office shall forward to the United States Marshal for the District of New Hampshire ("U.S. Marshal's office"): the summons; the second amended complaint (doc. no. 36); the October 11, 2012, report and recommendation (doc. no. 46); the November 23, 2012, order (doc. no. 56); plaintiff's motion to amend (doc. no. 69); the Third Amended Complaint (doc. no. 73); plaintiff's Objection (doc. no. 78); the August 2013 R&R; and this order. Upon receipt of the necessary documentation, the U.S. Marshal's office shall serve Jordan, pursuant to Fed. R. Civ. P. 4(c)(3) and 4(e).

Jordan shall answer or otherwise plead in response to the Third Amended Complaint (doc. no. 73), and to the factual allegations relating to Claims 1-3, as identified in the August 2013 R&R, within twenty-one days of service.

The remaining defendants have already responded to the Third Amended Complaint. Those defendants may file a further response, if any, to the Third Amended Complaint within fourteen days of the date of this order, addressing only those claims affected by the August 2013 R&R.

SO ORDERED.

A handwritten signature in black ink, appearing to be 'L. McCafferty', written over a horizontal line.

Landya McCafferty  
United States Magistrate Judge

August 14, 2013

cc: Steve Podkulski, pro se  
John Curran, Esq.

LBM:nmd